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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,823	11/14/2001	Daniel W. Wong	ATI.0100520	5879
34456	7590	04/14/2006	EXAMINER	
LARSON NEWMAN ABEL POLANSKY & WHITE, LLPL.L.P.			CHAI, LONGBIT	
5914 WEST COURTYARD DRIVE			ART UNIT	
SUITE 200			PAPER NUMBER	
AUSTIN, TX 78746			2131	

DATE MAILED: 04/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/992,823

Applicant(s)

WONG ET AL.

Examiner

Longbit Chai

Art Unit

2131

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-47 and 49-54.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.

CHRISTOPHER REVAI
PRIMARY EXAMINER

CEL 4/12/06

Continuation of 11. does NOT place the application in condition for allowance because:

As per claim 1, 17, 31, 40 and 47, Applicant asserts: "the fact that one of the software driver routines may be an encrypted encryption routine does not render the term "a first encrypted routine of a software driver" ambiguous. Examiner disagrees because the rejection is not made based on the fact that one of the software driver routines may be an encrypted encryption routine as Applicant remarks, and rather, the rejection is based upon the fact that an encrypted routine of a software driver is ambiguous in that different interpretations can be made as either (a) software driver routines itself (i.e. the software driver code/data that performs the driver functions to interface with O.S.) can be encrypted or (b) the routines of crypto-functions itself to encrypt / decrypt the software drivers data can be encrypted.

As per claim 1, 31, 47 and 49, Applicant asserts: "Glover does not disclose decrypting an encrypted routine to generate a plaintext routine at a peripheral device". Examiner disagrees because (a) the device driver decrypts the encrypted code (Glover: Column 11 Line 18 - 19: the encrypted code is interpreted as the 1st encrypted routine of a software driver to meet the claim language) and (b) the loaded device driver may reside on disk (Glover: Column 10 Line 63 - 64: the disk is interpreted as the peripheral device to meet the claim language). Therefore, the Glover reference does teach decrypting an encrypted routine to generate a plaintext routine at a peripheral device and as such applicant's arguments are respectfully traversed.

As per claim 17, Applicant asserts: "Glover does not teach sending a first encrypted routine of a software driver to a graphics chip and further does not disclose decrypting, at the graphics chip, the encrypted routine". Examiner disagrees because (a) Glover is relied upon providing sending a first encrypted routine of a software driver to a peripheral and decrypting, at the peripheral, the encrypted routine (Glover: Column 11 Line 18 - 19 and Column 10 Line 63 - 64) for the protection of illegal copying of video multimedia content (Glover: Column 2 Line 43 - 60), and (b) Freeman is relied upon providing a graphic chip for the MPEG adaptation to process the video data stream associated with video multimedia content (Freeman: Paragraph [0117] and Figure 7 Element 376 & 388). Therefore, the Glover in view of Freeman indeed does teach sending a first encrypted routine of a software driver to a graphics chip and decrypting, at the graphics chip, the encrypted routine and as such applicant's arguments are respectfully traversed..